
Full Name of Party Filing Document

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City, State and Zip Code

Telephone

IN THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____,
Petitioner,
vs.
_____,
Respondent.

Case No. _____

DECREE OF DIVORCE

This matter came before the court on the _____ day of _____, 20____. It appears from the records and files of this action that a Petition was filed and served upon the Respondent.

☐ Twenty (20) days have passed; the Respondent is not in the armed services of the United States of America and is not a minor nor an incompetent. A Default has been entered.

or

☐ Respondent and Petitioner have agreed and signed a written stipulation to the entry of this Decree.

It appears that the allegations of the Petitioner's Petition are sustained and the Petitioner is and was a bona fide resident of the State of Idaho and has been a resident for more than six (6) weeks preceding the commencement of this action.

The parties are the parents of the following child/ren, who is/are under the age of 18 years, or 19 years and still pursuing a high school education:

Name

Date of Birth

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The court has jurisdiction to determine custody of the minor child/ren pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, Idaho Code Section 32-11-101, et seq. because Idaho was the home state of the minor child/ren on the date of filing the Petition.

The court has jurisdiction to determine child support.

IT IS HEREBY ORDERED AND DECREED:

1. The bonds of matrimony now existing between the Petitioner and the Respondent are dissolved on the grounds of irreconcilable differences, and the Petitioner is awarded an absolute decree of divorce from the Respondent.

2. Custody.

A. Legal Custody of Minor Child(ren).

- ☐ Both parents are awarded joint legal custody of their child/ren. **or**
☐ (name) _____ is awarded sole legal custody of the child/ren.

B. Physical Custody of Minor Child(ren).

- ☐ Both parents are awarded joint physical custody of their child/ren
☐ on the terms and according to the Parenting Plan, which is attached as *Exhibit A*.

or

☐ as follows: _____

or

☐ (name) _____ is awarded sole physical custody of the child/ren. **And**

☐ (name) _____ shall have time with the child/ren as follows:

3. Child Support.

☐ Child support has already been set in Case No. _____, entered in _____ County, State of _____, on (month/day/year) _____ **and** ☐ shall continue according to that order (if checked, skip to section 9), **or** ☐ is modified and the order issued by this Court controls.

and/or

☐ Child support shall be paid by (name) _____. The basic child support is (see child support worksheet) \$_____.

Child support payments shall begin on the _____ day of the month after the Decree of Divorce is signed and continue to be paid on the same day of each following month until the child/ren for whom support is being paid reach/es the age of eighteen (18). If a child for whom support is being paid continues his/her high school education after reaching the age of eighteen (18) years, child support payments shall continue until the child discontinues his/her high school education or reaches the age of nineteen (19) years, whichever is sooner. **Payment shall be made payable to the Department of Health and Welfare and sent to Idaho Child Support Receipting, P.O. Box 70008, Boise, ID 83707-0108.**

Notice

The court is required to order income withholding in all child support orders. Income withholding is enforced by a withholding order issued to the paying parent's employer without additional notice to the paying parent, according to Idaho Code Section 32-1204.

The support order can also be enforced by license suspension or the filing of a lien upon all real and personal property of the paying parent.

a. Multiple Children. (if applicable)

☐ The parents have more than one minor child. If this child support order has not been modified, when one child is no longer entitled to support, basic child support for the remaining child/ren shall continue in the amount of \$_____ per month; when two children are no longer entitled to support, basic child support for the remaining child/ren shall continue in the amount of \$_____ per month; when three children are no longer entitled to support, basic child support for the remaining child shall continue in the amount of \$_____ per month.

b. Extended Visits. (if applicable)

☐ The child/ren live/s in the home of one parent at least 75% of the time. (If selected, check the boxes below that apply. Otherwise, go to the next section.)

☐ When the parent paying child support has physical custody of the child/ren for 14 or more overnights in a row, the amount of basic child support shall be reduced for that period of time. However, visitation of two overnights or less with the other parent shall not eliminate the reduction of basic child support during extended visits. The child support reduction for the period of the actual physical custody shall be ☐ 50% **or** ☐ (other percentage) _____% of the basic child support obligation. The reduction shall be subtracted from the child support payment due the month following the extended visit.

☐ If the parent paying child support has physical custody of some but not all of the children for a period of 14 overnights in a row, before a reduction is made, the basic child support obligation shall first be divided by the number of children under eighteen (18) years of age. The parent who pays child support can only claim a reduction for the child/ren in that parent's custody.

For Example—Parent has 3 of 4 children for 14 overnights. \$300/mo. basic support payment divided by 4 children = \$75 per child per month divided by 30 = \$2.50 per day per child x 14 = \$35.00 x 3 for 3 children = \$105.00. Reduction = 50% of \$105 or \$52.50.

c. Work-Related Childcare Expenses. (Basic child support does not include work-related childcare.)

☐ Basic child support does not include work-related childcare. The actual net out-of-pocket costs for work-related child care shall be paid _____% by Father and _____% by Mother. Payment shall be made directly to the child care provider by both parents according to arrangements made with the care provider if permitted by the care provider. Otherwise, if one parent pays the child care provider any portion of the other parent's share of costs, the non-paying parent shall reimburse the paying parent within 10 days after the paying parent provides a copy of the invoice and proof of payment.

d. Medical, Dental, and/or Optical Insurance.

☐ (name) _____ is/are currently providing health insurance for the minor child/ren and shall continue to do so, so long as it is reasonably available through that parent's employment. If such insurance becomes unavailable to the parent currently providing insurance, the parent first

reasonably able to obtain group health insurance through employment shall do so.

or

- ☐ Neither parent is currently providing health insurance for the child/ren. The parent first reasonably able to obtain group health insurance through employment shall do so.
- ☐ Any future health insurance premiums for the child/ren shall be prorated between the parents.
- ☐ The child/ren participate/s in the Children's Health Insurance Program (CHIP) of Medicaid. The parent first reasonably able to obtain group health insurance through employment shall do so.

Notice

Where medical insurance is provided, each parent shall be ordered to provide the other with all medical insurance information necessary to obtain health care and process insurance claims for the child/ren. Insurance proceeds shall be applied first to unpaid medical bills and then to reimburse the paying parent for any prepaid medical costs. Both parents shall be ordered to sign any needed document that provides continuing health care for the child/ren.

Failure to provide medical insurance coverage may result in the direct enforcement of a medical support order by either the obligee (party or parent other than the parent ordered to carry or provide a health benefit plan for the parties' minor child/ren) or the Department of Health and Welfare. A national medical support notice will be sent to your employer, requiring your employer to enroll the child in a health benefit plan as provided by Sections 32-1214A through 32-1214J, Idaho Code, and applicable rules of the department.

- e. Health Care Costs.** The actual cost paid by either parent for health care expenses for the child/ren not paid in full by insurance, including, but not limited to, insurance premiums, orthodontic, optical and dental, shall be prorated between the parents. Father shall pay _____ % and Mother shall pay _____. Any health care for the child/ren (whether for psychiatric, psychological, special education, addiction treatment, or counseling in any form, and including regular medical or dental care), whether or not covered by insurance, that would result in an actual out-of-pocket expense of over \$500 to the parent who did not incur or consent to the expense, must be approved in advance, in writing, by both parents or by prior court order. (**Note:** *The court may consider whether consent for out-of-pocket expenses in excess of \$500 was unreasonably requested or withheld and order payment of the incurred expense in some percentage other than the Guidelines Income.*)

☐ The child support payment shall include an adjustment for each parent's share of health insurance costs. All other health care payments are in addition to the basic child support award and shall be promptly paid or reimbursed directly between the parents. **or**

☐ All health care payments shall be in addition to the basic child support award and shall be promptly paid or reimbursed directly between the parents.

f. Tax Benefits & Exemptions.

Note: The parent not receiving the exemption(s) shall sign the required Internal Revenue Service form(s) to release the claim to the exemption(s).

☐ The state and federal income tax dependency exemptions for the child/ren are assigned to _____ (mother or father) who has the greatest tax benefit calculated under the Idaho Child Support Guidelines (see tables in Section 8(c) of the Idaho Child Support Guidelines). The parent not receiving the exemption(s) is awarded a pro rata share of the value of income tax benefit in proportion to his/her guidelines income which is either a credit against or in addition to the basic child support obligation **or**

☐ The state and federal income tax dependency exemptions for the child/ren are assigned based on the parents' agreement as follows: _____

g. Summary of Basic Child Support and Adjustments:

Basic Child Support Amount

Pick one:

☐ Mother shall pay \$ _____
☐ Father shall pay \$ _____

Health Insurance Premiums

Monthly cost for children \$ _____

Mother pays % _____

Father pays % _____

Costs shall be: (Pick one)

- ☐ paid directly between parents
☐ added to or subtracted from basic child support +/- \$ _____

Tax Benefits

- ☐ As agreed in paragraph 3(f) above **or**
☐ Mother **or** ☐ Father shall claim tax benefits
Mother's share % _____
Father's share % _____
Basic child support increased or decreased by +/- \$ _____

Total Basic Child Support Amount with adjustments \$ _____

Additional Costs

Work-related Daycare

Pay directly to the provider if permitted or reimbursements shall be made directly between parents.

Mother pays % _____
Father pays % _____

4. Separate Property. (Land and/or Personal Property)

- ☐ None.
- ☐ The separate property listed on the attached "Exhibit C" is confirmed as the Husband's separate property. Wife is ordered to return to Husband any such property in Wife's possession.
- ☐ The separate property listed on the attached "Exhibit D" is confirmed as the Wife's separate property. Husband is ordered to return to Wife any such property in Husband's possession.

5. Community Real Property.

- ☐ None.
- ☐ The Husband and Wife have a community interest in real property, located at _____
_____ in the City of _____,
County of _____, State of Idaho, and described in the deed
as follows: _____
_____.

The real property described above:

- ☐ shall be sold and the net proceeds divided _____ % to the Wife and _____ % to the Husband. **or**

☐ is awarded to the Wife, subject to any liens, and the Husband is ordered to convey his interest in the property to the Wife when she pays him \$_____ for his share of the equity in the property. **or**

☐ is awarded to the Husband, subject to any liens, and the Wife is ordered to convey her interest in the property to the Husband when he pays her \$_____ for her share of the equity in the property. **or**

☐ _____

6. The **Community Personal Property** of the parties is divided and awarded as follows:

- ☐ No community personal property. **or**
- ☐ Each party is awarded the community personal property now in his or her possession.
- ☐ The property listed in the attached "Exhibit C" is awarded to the Husband as his sole and separate property.
- ☐ The property described in the attached "Exhibit D" is awarded to the Wife as her sole and separate property.

Each party is ordered to deliver to the other any of the community personal property currently in his/her possession that is awarded to the other party, and the parties shall execute and deliver any documents necessary to effectuate the property division.

7. **Debts.**

- ☐ No unpaid community debts. **or**
- ☐ The Husband is ordered to pay the following debts as or before they become due and hold the Wife harmless for any further liability concerning these debts: (list each creditor)

- ☐ The Wife is ordered to pay the following debts as or before they become due and hold the Husband harmless for any further liability concerning these debts: (list each creditor)

8. Debts Incurred Since Separation.

☐ Each party shall assume any debt incurred by that party since _____, the date of the parties' separation. Each party is ordered to pay those debts as or before they become due and to hold the other party harmless for any liability concerning those debts.

9. Name Change.

☐ _____ is restored to the former last name of _____.

Date: _____

Magistrate Judge

CLERK'S CERTIFICATE OF SERVICE

I certify that a copy of this Order was served:

(Name)

(Street or Post Office Address)

(City, State, and Zip Code)

- ☐ By United States mail
☐ By personal delivery
☐ By fax (number) _____

(Name)

(Street or Post Office Address)

(City, State, and Zip Code)

- ☐ By United States mail
☐ By personal delivery
☐ By fax (number) _____

Date: _____

Deputy Clerk

REMOVE THIS PAGE AND

Attach and Mark as “EXHIBIT A”

PARENTING PLAN

Attach “EXHIBIT C”

HUSBAND’S PROPERTY – if you are using it

Attach “EXHIBIT D”

WIFE’S PROPERTY - if you are using it

HUSBAND'S SEPARATE PROPERTY

(Describe each item, including a legal description for real property)

**PERSONAL COMMUNITY PROPERTY IN HUSBAND'S POSSESSION TO BE AWARDED TO
HUSBAND**

(Describe each item)

**PERSONAL COMMUNITY PROPERTY IN WIFE'S POSSESSION TO BE AWARDED TO
HUSBAND**

(Describe each item)

Initials Date

EXHIBIT C

WIFE'S SEPARATE PROPERTY

(Describe each item, including a legal description for real property)

**PERSONAL COMMUNITY PROPERTY IN WIFE'S POSSESSION TO BE AWARDED TO
WIFE**

(Describe each item)

**PERSONAL COMMUNITY PROPERTY IN HUSBAND'S POSSESSION TO BE AWARDED TO
WIFE**

(Describe each item)

Initials Date

EXHIBIT D